

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 8-13 and 15-22 are in the application. Claim 14 has been canceled. Claims 8 and 15 have been amended. Claims 21 and 22 have been added. No new matter has been added.

Applicant appreciates the Examiner's courtesy during the telephone interview of January 13, 2009.

Claims 8-20 are rejected under 35 U.S.C. §102(b) as being anticipated by *Brickman U.S. Patent No. 2,660,406*. Applicant respectfully traverses.

Amended claim 8 now reads:

"A sclerophylllic mesh forming a sheet with two opposite face sides, said mesh being made from electrowelded metallic wires or bars and having intersections with each other, said mesh further comprising sharp points electrowelded to the intersections of said metallic bars or wires, and wherein each sharp point protrudes from one side of the mesh."

Applicant submits that *Brickman* does not teach or disclose the sharp points to be located at the intersections of the mesh, neither in the description nor in the figures. There seems to be a misunderstanding regarding the interpretation of the term "intersection." Considering the mesh of the invention to be formed of a number of longitudinal wires and cross wires, the "intersections" of said mesh are the points at which said wires are joined by electrowelding. Thereafter, the sharp points are joined by electrowelding to said intersections.

In much the same manner, the "intersections" of the *Brickman* patent are the points at which longitudinal wires and cross wires are joined. At the beginning of the process of forming the barbed wire of *Brickman*, a number of intersections are created. However, during the process "some of the cross wires are cut on a bias (...) and bent to form a substantially V-shaped barb," as stated in column 1, line 52 to column 2, line 7 of *Brickman*. Therefore, that point is no longer an intersection between a longitudinal wire and a cross wire, since that specific cross wire does not exist anymore, i.e. the cross wire has been transformed into a number of barbs.

Therefore, the Applicant respectfully considers that claim 8 is not anticipated by *Brickman*, and accordingly requests reconsideration of the patentability of claim 8 of the present application.

New claim 21 has been added to read:

"The sclerophylllic mesh according to claim 8, wherein the sharp points are made of a different material than that of the metallic bars or wires."

Support for this claim is found in page 2, lines 20-21 of the specification. *Brickman* does not disclose a mesh where the sharp points are made of a different material than that of the metallic bars or wires. Specific reference is made to column 1, line 52 to column 2, line 7 of *Brickman*, where the process for making the *Brickman* barbed wire is disclosed. Since the sharp points are created by cutting some of the cross wires on a bias, then the sharp wires are made of the same material as the cross wires. Accordingly, claim 21 is considered to be new and inventive over *Brickman*.

Regarding claim 15, this claim has been clarified to recite that the two sides of the mesh are opposite face sides and that one part of each point protrudes from one side of the mesh and the other part of each point protrudes from the opposite side of the mesh. This is clearly shown in FIG. 1 of the present application. *Brickman* does not disclose a sclerophylllic mesh where one part of each point protrudes from one side of the mesh and the other part of each point protrudes from the opposite side of the mesh. In *Brickman*, each point protrudes only from one side of the mesh, either with a single point or with a V-shaped barb. In no instance in *Brickman* does a single barb protrude from both opposite face sides of the mesh. Regarding FIG. 3 of *Brickman*, this is an end view of FIG. 2, which clearly shows each barb protruding in only a single direction. Claim 22 has been added to depend from claim 15 and recites that the points are made of a different material than the bars or wires, as in claim 21 discussed above.

Accordingly Applicant submits that claims 8-13 and 15-22 are patentable over the cited art. Early allowance of the claims is respectfully requested.

Respectfully submitted,
Juan Maria CRUZ-SAGREDO GARCIA



COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

Elizabeth C. Richter, Reg. No. 35,103
Attorney for Applicant

Express Mail No. EW 928 680 957 US
Date of Deposit: January 15, 2009

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Amy Klein